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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil No. 06cv1706 BEN (NLS)
)	
v.)	
)	
UNDETERMINED QUANTITIES OF BOXES)	
OF SIGNATURE EDITION GOLD INFUSION)	
PUMPS, <i>et al.</i> ,)	JOINT MOTION TO AMEND
)	AMENDED DECREE FOR
)	CONDEMNATION AND
Defendants.)	PERMANENT INJUNCTION

COME NOW THE PARTIES, Plaintiff United States of America, by and through its counsel, Allan Gordus, Trial Attorney, United States Department of Justice, and Defendants Cardinal Health 303, Inc., Dwight Winstead, David L. Schlotterbeck, and Donald M. Abbey, by and through their counsel, Peter S. Spivack, and hereby jointly move the Court to amend the Amended Consent Decree of Condemnation and Permanent Injunction ("Amended Decree") previously entered by this Court on February 23, 2009, by deleting the named corporate defendant "Cardinal Health 303, Inc." throughout the Amended Decree and substituting therefore "CareFusion 303, Inc."

In support of this motion, the parties state as follows:

- On February 23, 2009, this Court entered an Amended Decree involving the corporate defendant and three individual defendants.
- Cardinal Health 303, Inc., the named corporate defendant under the Amended Decree, was a wholly-owned subsidiary of Cardinal Health, Inc.

1 3. On August 31, 2009, Cardinal Health, Inc., completed the "spin off" of its clinical
2 and medical products business as a separate, publically-traded company named CareFusion
3 Corporation. As a result, Cardinal Health 303, Inc., became a wholly-owned subsidiary of
4 CareFusion Corporation.

5 4. In preparation for such spinoff, on or about August 1, 2009, Cardinal Health 303,
6 Inc., changed its legal entity name to CareFusion 303, Inc.

7 5. The parties agree that CareFusion 303, Inc., assumes all obligations and
8 responsibilities of Cardinal Health 303, Inc., under the Amended Decree.

9 6. The three individually-named defendants continue to have the same titles and
10 responsibilities at CareFusion 303, Inc., and the said restructuring does not affect any of the
11 individually-named defendants' obligations under the Amended Decree.

12 Based on the foregoing, it is respectfully requested that the Court enter an order amending
13 the Amended Consent Decree for Condemnation and Permanent Injunction.

14
15 DATED: October 9, 2009

s/Peter S. Spivack
Counsel for Defendants
E-Mail: psspivack@hhlaw.com

17 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and
18 Procedures of the United States District Court for the Southern District of California, I certify that
19 the content of this document is acceptable to counsel for the Defendants and that I have obtained
20 authorization from Peter S. Spivack to affix his electronic signature to this document.

21
22 DATED: October 9, 2009

s/Allan Gordus
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Counsel for Plaintiff